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10/580,360	03/12/2007	Myung Gu Kim	2316-061635	1720

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EXAMINER
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CHOI, YUK TING

ART UNIT	PAPER NUMBER
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2164

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/580,360	<b>Applicant(s)</b> KIM ET AL.	
	<b>Examiner</b> YUK TING CHOI	<b>Art Unit</b> 2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Amendment*

1. This office action is in response to applicant's communication filed on 12/01/2009 in response to PTO Office Action mailed 09/01/2009. The Applicant's remarks and amendments to the claims and/or the specification were considered with the results as follows.
2. In response to the last Office Action, Claims 1 and 4 have been amended. No Claims have been added or canceled. As a result, claims 1-10 are pending in this office action.
3. The 35 USC 112 rejections have been withdrawn due to the amendment filed 12/01/2009.
4. The claim objections have been withdrawn due to the amendment filed 12/01/2009.

### *Response to Arguments*

5. Applicant's arguments with respect to claims 1-10 have been fully considered but they are not persuasive and details are as follows:
  - a) Applicant's argument with respect to claim 1 states as "The Examiner incorrectly equates the claimed 'playback period' limitation to the 'time of playback'...the Meyer publication relates to content information transmitted to a server at the time of playback, the 'time of playback' corresponds to a time of data that the digital audio file is played and not the length or playback period of the actual audio file."

In response to the applicant argument, Examiner respectfully disagrees because First, Applicant claimed 'playback period **information**' **NOT** 'playback period' and in view of Applicant's specification, there is no indication that this 'playback period **information**' **ONLY**

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corresponds to the length or playback period of the actual audio file (See Applicant's specification, para. [0025] and para. [0038]). The Examiner took the broadest interpretation of 'playback period information' as one of ordinary skill in the art would recognize that it **as any information that associated with the time or period of the playback of the audio file.**

Hence, the claimed 'playback period information' **may not only** corresponds to the length or playback period of the audio file but may also corresponds to any information related with the time or period of the playback of the audio file. Second and more importantly, **Meyer** discloses transmitting an identifier [ tag information] and context information to the identified media object, the identifier includes metadata which typically used to describe of an audio object, e.g. title, artist, lyrics, copyright owner and etc, and context information such as the time of playback, distribution, location and air time of the audio object (See para. [0014] and para. [0016]). Last and most importantly, one of ordinary skill in the art would recognize the context information 'air time' of **Meyer** may also include **the length of playback period** of the audio file including the start time and end time. Hence, Meyer still reads on the claimed invention.

b) Applicant's argument with respect to claim 1 states as "There is no disclosure with respect to obtaining lyrical data for a digital audio file that does not already have lyrical data associated with it...thus, no lyrical data is retrieved on the basis of the claimed tag information and playback period information".

In response to the applicant argument, Examiner respectfully disagrees because **Meyer** discloses retrieving lyrics, song titles or radio play lists associated with the identifier tag in the audio file along with the additional context information such as the time of playback, distribution, location and air time of the audio object (See para. [0017], para. [0022] and para. [0035]) and returning all the information, e.g. lyrics associated with the identifier tag back to the user's device (See para. [0022] and para. [0023]).

**Claim Rejections - 35 USC § 102**

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3, 5 and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Meyer et al (US PA Pub 2001/0031066 A1), hereinafter Meyer.

**Referring to claim 1**, Meyer discloses a system for providing lyrics for a plurality of digital audio files (**See para. [0014], associating or linking metadata to an audio object**), comprising:

at least one terminal configured to select a digital audio file among digital audio files (**See para. [0029], user opens the selected or marked audio file in a music player**), and transmitting tag information having ID tag information and playback period information of the selected digital audio file (**See para. [0017] and para.[0022], broadcasting or transmitting identifier in the audio file, an identifier is a tag in a file header or footer to a server, the system adds additional context information to the message and transmits back to a server, the content information is related to time of playback, format of playback and type of distribution**);

a server configured to retrieve lyrical data corresponding to the digital audio file on the basis of the ID tag information and playback period information transmitted from the terminal (**See para. [0017], para.[0022] and para. [0035], a server retrieves additional context information, e.g. lyrics, song titles or radio play lists associated with the identifier tag in**

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***the audio file, the server also can retrieve more information from online resources in additional to the time of playback or format of playback with the identifier tag in the audio file***), and wherein the server is further configured to transmit the retrieved lyrical data to the terminal (***See para. [0022] and para. [0023], A server return al the information associated with the identifier tag in the audio file back to the user's player***); and

a database (DB) server configured to store lyrical data previously synchronized with the corresponding digital audio files and classified by the ID tag information and playback period information of the digital audio files (***See para. [0022] and para.[0028], looking up previously stored identifier and metadata of audio file, extracting metadata , e.g. title, artists or lyrics on the audio file and hashing metadata into an index for future retrieval***) and

wherein the database server is further configured to transmit such lyrical data in response to a request from the server (***See para. [0022], transmitting metadata, e.g. lyrics, artist, copyright associated with the identifier to one or more servers***).

**As to claim 2**, Meyer also discloses an audio selection module for selecting the digital audio file among the digital audio files (***See para. [0029], user opens the selected or marked audio file in a music player***);

a tag information extraction module for extracting tag information from the selected digital audio file (***See para. [0014], extracts the identifier, an identifier is a tag in a file header or footer, from an audio object***);

a data transmission module for transmitting the extracted tag information to the server (***See para. [0022], route the identifier to one or more server***), and receiving the lyrical data from the server( ***see para. [0014] and para. [0023], receives data or metadata associated with the identifier, the metadata is lyrics***); and

a lyrical data link module for linking the received lyrical data with the selected digital audio file (***See para. [0007], linking audio file with metadata via a communication network***).

**As to claim 3**, Meyer also discloses a data transmission module for receiving the tag information from the terminal (***See para. [0025], server receives an identifier from a previous server or terminal***) and for transmitting the lyrical data to the terminal ***see para. [0014] and para. [0023], receives or sends data or metadata associated with the identifier, the metadata is lyrics***);

a tag information identification module for reading the tag information received at the data transmission module (***See para. [0097], reads the identifier embedded in video or audio files***); and a lyrical data detection module for retrieving the lyrical data corresponding to the read tag information from the DB server (***see para. [0014] and para. [0023], receives data or metadata associated with the identifier, the metadata is lyrics, also see Fig. 1, database info mapping***).

**As to claims 5, 8 and 9**, Meyer also discloses the terminal is connected to an MP3 player so that a user can select a digital audio file stored in the MP3 player, wherein the terminal is configured to transmit to the MP3 player the lyrical data received from the server (***See para. [0024] and para. [0029], a mp3 player for user to open or play audio files and the player can control what data to be displayed to the user, including the metadata associated with the audio file***).

**As to claim 7**, Meyer also discloses the terminal is configured to select a digital audio file stored in one of another computer and another server connected through the Internet, and wherein the terminal is configured to transmit the corresponding lyrical data to one of the

another computer and the another server (**See para. [0022], route to one ore more servers to look up more metadata associated with the audio files**).

### **Claim Rejections - 35 USC § 103**

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable by Meyer (US PA Pub 2001/0031066 A1) and in view of Mizushima (US PA Pub 2004/0060070 A1).

**As to claim 4**, Myer discloses transmitting title and singer data to the terminal (**see para. [0014] and para. [0023], receives data or metadata associated with the identifier, the metadata can be singer and title, also see Fig. 1, database Info mapping**).

Myer does not explicitly disclose what action needs to be taken when there is insufficient information in the tag information transmitted from the terminal.

Mizushima discloses when there is insufficient information transmitted from the terminal (**See para. [0029], 1<sup>st</sup> column, lines 36-41 and 2<sup>nd</sup> column, lines 1-20, when the system received not enough information to identify the metadata of the audio file or CD**), the terminal further comprises metadata selection module for allowing a user to select metadata from the metadata received from the server and transmit the information on the metadata to the server (**See para. [0029], 2<sup>nd</sup> column, lines 1-20, the terminal comprise music list information or metadata to the user, so that the user can easily select the received metadata and transmitted to the server**).



Hence, it would have been obvious to one having ordinary skill in the art at the time of invention was made to modify Myer 's system to comprise: what action needs to be taken when there is insufficient information in the tag information transmitted from the terminal, in order to classify the unknown audio file or CD.

**As to claim 10**, Myer also discloses the terminal is connected to an MP3 player so that a user can select a digital audio file stored in the MP3 player, wherein the terminal is configured to transmit to the MP3 player the lyrical data received from the server (***See para. [0024] and para. [0029], a mp3 player for user to open or play audio files and the player can control what data to be displayed to the user, including the metadata associated with the audio file***).

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable by Meyer (US PA Pub 2001/0031066 A1) and in view of Logan (US PA Pub 2003/0163823 A1).

**As to claim 6**, Meyer does not explicitly discloses the MP3 player is connected to the terminal via one of a Universal Serial Bus (USB) port, a serial port, an IEEE 1394 port, and a wireless connection.

Logan discloses the MP3 player is connected to the terminal via one of a Universal Serial Bus (USB) port, a serial port, an IEEE 1394 port, and a wireless connection (***See para. [0175]***).

Hence, it would have been obvious to one having ordinary skill in the art at the time of invention was made to modify Myer's system to comprise: the MP3 player is connected to the terminal via one of a Universal Serial Bus (USB) port, a serial port, an IEEE 1394 port, and a wireless connection, in order to include other audio files that are stored in external source (***see para. [0175]***).

***Conclusion***

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. 1.111 (C) to consider these references fully when responding to this action.

13. The examiner requests, in response to this Office action, support be shown for language added to any original claims on amendment and any new claims. That is indicate support for newly added claim language by specifically pointing to page(s) and line no(s) in the specification and/or drawing figure(s). This will assist the examiner in prosecuting the application.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuk Choi whose telephone number is (571) 270-1637. The examiner can normally be reached on 7:30 AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Y. C./

Examiner, Art Unit 2164

/Sathyanarayan Pannala/

Primary Examiner, Art Unit 2164